

**ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES GOVERNING “HIGHLY QUALIFIED” TEACHERS
PURSUANT TO THE NO CHILD LEFT BEHIND ACT OF 2001**

1.0 REGULATORY AUTHORITY

1.01 These shall be known as the Arkansas Department of Education Rules Governing “Highly Qualified” Teachers and promulgated pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. (2002).

1.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 25-15-201 et seq.

2.0 PURPOSE

2.01 The purpose of these rules is to establish definitions and procedures for identifying highly qualified teachers pursuant to the No Child Left Behind Act of 2001.

3.0 DEFINITIONS

For the purpose of these Rules the following terms shall be defined to mean:

3.01 **ARHOUSSE** – a survey of criteria used to determine whether a veteran teacher demonstrates competence in the core academic subject area(s) he or she teaches, when required in the definition of a highly qualified teacher.

3.01.1 The **ARHOUSSE** survey of criteria is hereby incorporated in these rules as referenced in the attached Appendix A.

3.02 **Core Academic Subject Areas** - English, Reading or Language Arts, Mathematics, Science, Foreign Language, Social Studies.

3.03 **Early Childhood grade levels** – grade Pre-K through grade 4.

3.04 **Highly Qualified Teacher (HQT)** – a teacher who holds at least a Bachelor’s Degree, holds full state licensure (inclusive of alternative routes) and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches. When used with respect to a new or veteran Arkansas public early childhood, middle childhood or secondary school teacher means as follows:

3.04.1 **For New Teachers (teachers new to the profession)**

3.04.1.1 A highly qualified **new early childhood** teacher is a teacher who possesses or exhibits each of the following:

3.04.1.1.1 Have at least a Bachelor’s Degree,

- 3.04.1.1.2 Hold an Initial or Standard Arkansas teaching license, or be enrolled in, and progressing towards successful completion of the Non-Traditional Licensure Program for early childhood.
- 3.04.1.1.3 Demonstrate subject area competence by passing the Educational Testing Service (ETS) Early Childhood Assessment (Praxis II # 20).
- 3.04.1.2 A highly qualified **new middle childhood or secondary** teacher is a teacher who possesses or exhibits each of the following:
 - 3.04.1.2.1 Have at least a Bachelor's Degree,
 - 3.04.1.2.2 Hold an Initial or Standard Arkansas teaching license, or be enrolled in, and progressing towards successful completion of the Non-Traditional Licensure Program for middle childhood or secondary.
 - 3.04.1.2.3 Demonstrate subject area competence by:
 - 3.04.1.2.3.1 passing the state licensure ETS Praxis II assessment(s) in the area the teacher teaches, or
 - 3.04.1.2.3.2 having an undergraduate major in the area the teacher teaches, or
 - 3.04.1.2.3.3 having coursework equivalent to an undergraduate major in the area the teacher teaches, or
 - 3.04.1.2.3.4 having a graduate degree in the area the teacher teaches, or
 - 3.04.1.2.3.5 having National Board Certification in the area the teacher teaches.
- 3.04.2 **For Veteran Teachers (teachers not new to the profession)**
 - 3.04.2.1 A highly qualified **veteran early childhood** teacher is a teacher who possesses or exhibits each of the following:
 - 3.04.2.1.1 Have at least a Bachelor's Degree,
 - 3.04.2.1.2 Hold an Initial or Standard Arkansas teaching license,
 - 3.04.2.1.3 Demonstrate subject area competency by:
 - 3.04.2.1.3.1 passing the ETS Early Childhood Assessment (PRAXIS II - # 020), or
 - 3.04.2.1.3.2 accumulating at least 100 points on **ARHOUSSE**.
 - 3.04.2.2 A highly qualified **veteran middle childhood or secondary** teacher is a teacher who possesses or exhibits each of the following:
 - 3.04.2.2.1 Have at least a Bachelor's Degree,
 - 3.04.2.2.2 Hold an Initial or Standard Arkansas teaching license,
 - 3.04.2.2.3 Demonstrate subject area competence by:
 - 3.04.2.2.3.1 passing the state licensure ETS Praxis II assessment(s) in the area the teacher teaches, or

- 3.04.2.2.3.2 having an undergraduate major in the area the teacher teaches, or
- 3.04.2.2.3.3 having coursework equivalent to an undergraduate major in the area the teacher teaches, or
- 3.04.2.2.3.4 having a graduate degree in the area the teacher teaches, or
- 3.04.2.2.3.5 having National Board Certification in the area the teacher teaches, or
- 3.04.2.2.3.6 accumulating at least 100 points on **ARHOUSE**.

3.05 Middle Childhood grade levels – grades 5 through 8.

3.06 New Teacher (a teacher new to the profession) – a licensed teacher employed by an Arkansas public school after the beginning of the 2002-2003 school year.

3.07 Non-Traditional Licensure Program - the instructional program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas school via a Non-Traditional Provisional license. Participants are engaged with intensive supervision and mentoring while receiving high-quality, sustained, intensive classroom-focused professional development.

3.08 Secondary grade levels – grades 7 through 12.

3.09 Veteran Teacher (a teacher not new to the profession) – a licensed teacher who was hired before the beginning of the 2002-2003 school year.

4.0 HIGHLY QUALIFIED REQUIREMENTS

4.01 By the end of the '05-'06 school year, all classes in the core academic subject areas shall be taught by a highly qualified teacher as defined in these rules.

4.02 By the end of the '05-'06 school year all early childhood classes shall be taught by a highly qualified early childhood teacher as defined in these rules.

4.03 By the end of the '05-'06 school year all middle childhood classes in the core academic subject areas shall be taught by a highly qualified middle childhood teacher as defined in these rules.

4.04 By the end of the '05-'06 school year all secondary classes in the core academic subject areas shall be taught by a highly qualified secondary teacher as defined in these rules.

5.0 HIGHLY QUALIFIED REPORTING

- 5.01** By October 15 of each school year all public charter schools and school districts shall report in their Cycle 2 report the number and percentage of classes in the core academic subject areas being taught by teachers meeting the definition of a highly qualified teacher as defined in this rule.

Appendix A

ARHOUSSE Arkansas High Objective Uniform State Standard of Evaluation

Teacher Name _____ SSN _____
School _____ School District _____

To demonstrate subject area competency a teacher must accumulate at least 100 points in his or her teaching area by using the following criteria survey. **This is done for the teacher of each class being taught.**

NOTE: CONTENT AREA ONLY

Choose the level being taught.

- ☐ Early Childhood
☐ Middle Childhood
☐ Secondary

If Middle or Secondary choose the subject area being taught.

- ☐ English
☐ Reading or Language Arts
☐ Mathematics
☐ Arts
☐ Social Studies: Specify subject _____)
☐ Foreign Language: (Specify subject _____)
☐ Science: (Specify subject _____)

All evidence must be in the **content area the teacher teaches**, indicated above.

		Points
National Teacher Exam Content Area Assessment(s) for this content area	50 points	
Years of teaching experience in this subject area within the last five years	# of years _____ 8 pts per year (40 pts max)	
Content-based Professional Development* - consistent with the definition of high quality PD delineated in Section 9101 of NCLB	# of years _____ 5 pts per year (25 pts max)	
If the following are used, they must be directly related to the Core Academic Content Area and must NOT HAVE BEEN USED ABOVE under Professional Development.		
College/University Coursework in the content area	# credit hours _____ 3 pts per credit hour	
Served in an administrative capacity in the content area, e.g., Dept. chair, ACSIP chair, Lead teacher, etc.	# of years served _____ 10 pts per year (30 pts max)	
Documented Committee service in local (LEA) curriculum development in this content area in the last five years	# of activities _____ 5 pts per activity (25 pts max)	
Documented Committee service in state or national curriculum development in this content area in the last five years	# of activities _____ 10 pts per activity (30 pts max)	
Textbook adoption committee service in this content area over the last five years	# of committees _____ 15 pts per committee (30 pts max)	
Papers published in refereed journals in this content area in the last five years	# of papers _____ 5 pts per paper (15 pts max)	
Presentations made at content-area or specialty-area association conferences in the last five years	# of pres'ns _____ 5 pts per pres'n (15 pts max)	
Conferences attended in this content area in the last five years	# of conferences _____ 5 pts per conference (15 pts max)	
Service as a Pathwise Mentor in this content area	# of years served _____ 10 pts per year (30 pts max)	
	Total	

*As per the ADE Rules for Professional Development (PD, Rev. June 12, 2000) all approved PD activities, whether individual or school-wide, shall be based on the improvement of student achievement on State criterion-referenced examinations and other related indicators as defined by the ACTAAP.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Education
DIVISION _____
DIVISION DIRECTOR Dr. Ken James
CONTACT PERSON Dr. Frank Servedio
ADDRESS #4 State Capitol Mall, Room 405-B Little Rock, AR 72201
PHONE # 501-682-5535 FAX # 501-682-5118 E-MAIL fservedio@arkedu.k12.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule?

RULES GOVERNING "HIGHLY QUALIFIED" TEACHERS

2. What is the subject of the proposed rule?

The "Highly Qualified Teacher" designation pursuant to the federal No Child Left Behind legislation.

3. Is this rule required to comply with federal statute or regulations? Yes xx No _____

If yes, please provide the federal regulation and/or statute citation.

No Child Left Behind (NCLB) from the Elementary and Secondary Education Act

4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?
Yes _____ No xx
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes xx No _____ If yes, please provide a brief summary explaining the regulation.

NCLB requires that (by June of 2006) all core academic classes be taught by teachers designated as Highly Qualified according to the following criteria.

- a. have a college degree
- b. have full state licensure
- c. demonstrate competence in the subject area content the teacher teaches

Does this repeal an existing rule? Yes _____ No xx If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes _____ No xx If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation.

7. What is the purpose of this proposed rule? Why is it necessary?

To establish the criteria for determining the Highly Qualified Teacher designation.

8. Will a public hearing be held on this proposed rule? Yes xx No _____
If yes, please complete the following:

Date: 9/24/04
Time: 1:00 pm
Place: ADE Auditorium

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 8, 2004

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

November 15, 2004

11. Do you expect this rule to be controversial? Yes _____ No xx
If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.
unknown

SUMMARY

This Rule establishes the criteria for determining whether a teacher is designated Highly Qualified in Arkansas pursuant to the federal No Child Left Behind legislation.

The USDOE has established that, by the end of the 2005-2006 school year, all classes in core academic subjects* are to be taught by teachers designated as Highly Qualified in those subjects. The minimum criteria are that the teacher:

- a. have at least a bachelor's degree**
- b. be fully licensed**
- c. demonstrate competence in the content area he or she is teaching.**

Distinctions are made for veteran teachers v. new teachers, and between elementary, middle school and secondary school teachers.

This Rule clarifies the distinctions made for each level, and defines the specific criteria for "demonstrating competence" in teaching areas.

*** Core Academic Subject Areas are:**

- Math**
- Science**
- Reading/Language Arts**
- Social Studies**
- Arts**
- English**
- Foreign Language**

FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education
DIVISION _____
PERSON COMPLETING THIS STATEMENT Frank J. Servedio
PHONE # 501-682-5535 FAX # 501-682-5118 E-MAIL fservedio@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE ***Rules Governing Highly Qualified Teachers***

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ No xx
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. **No.**
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.

Current Fiscal Year

Next Fiscal Year

General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other (Identify) _____	Other (Identify) _____
Total _____	Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.

Current Fiscal Year

Next Fiscal Year

\$ _____	\$ _____
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5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.

Current Fiscal Year

Next Fiscal Year

\$ _____	\$ _____
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DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: ***Rules Governing Highly Qualified Teachers***

Summary Description of Regulatory Proposal:

This Rule establishes the criteria for determining whether a teacher is designated Highly Qualified in Arkansas pursuant to the federal No Child Left Behind legislation.

The USDOE has established that, by the end of the 2005-2006 school year, all classes in core academic subjects* are to be taught by teachers designated as Highly Qualified in those subjects. The minimum criteria are that the teacher:

- a. have at least a bachelor's degree**
- b. be fully licensed**
- c. demonstrate competence in the content area he or she is teaching.**

Cite Statutory Authority for this Regulatory Proposal:

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)

Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.

- A. Resources Required - Personnel, equipment, office space.
- B. Time Required for Implementation.
- C. Procedural Changes.
- D. Other.

- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)

Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.

- A. Resources Required - Personnel, equipment, office space.
- B. Time Required for Implementation.
- C. Procedural Changes.
- D. Other.

- III. Additional Comments.

Prepared by: (Name) Frank J. Servedio
 (Title) Data Analyst Program Advisor
 Office of Professional Quality Enhancement
 (Date) 9/9/04